IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

GUARDIAN PETITION NO. 69 OF 2004

In the matter of Guardian and Ward Act;

In the matter of Master Shankar Nirakar Sahoo a male minor aged 1 year 11 months.

Sharda Mohindernath Sharma .. Petitioner.

vs.

Santoshi Nirakar Sahoo &
Nirakar Gobardhan Sahoo .. Respondents.

Mrs. S.M. Sharma petitioner in person present.
Mr. Niwas Kamble i/by A.M. Saraogi
for respondents.

CORAM : S.U.KAMDAR, J.
DATE : 10th December, 2004.

P.C.

1. In view of the apprehensions expressed by the petitioner about the condition of the child, I by my earlier order dated 30th November, 2004

directed that the child should be examined by the child specialist Dr. N.C. Joshi, M.D. (Paed.), D.C.H. Consultant Paediatrician, B.J. Wadia Hospital for children. Pursuant to the said directions, the child was examined by the said Doctor and he has filed his report dated 7.12.2004. The said report has been taken on record and marked "X" for identification. The Chamber Registrar is directed to give copies of the said report to both the parties.

2. In view of the medical report of the child the petitioner is at present satisfied with the health of the child and therefore, seeks leave to withdraw the present guardian petition. In accordance with the request made, the guardian petition is allowed to be withdrawn. However, there shall be no order as to costs.

3. It is needless to add that if in future any occasion arises about the health of the child, the petitioner will be at liberty to move the Court on the basis of medical report and evidence in that behalf. It is made clear that this facility should not be utilised by the petitioner by filing frivolous petitions again and again.

4. Petition disposed of accordingly.